

9. FULL APPLICATION – PLACEMENT OF TIMBER MOBILE POULTRY SHELTER ON LAND AT ROCKLANDS FARM, THE BENT, CURBAR (NP/DDD/0219/0174. DH)

APPLICANT: MR THOMAS COOPER

Summary

1. The application proposes the siting of a mobile hen-house on the land to the rear of Rocklands. The applicant has planning permission for a similar, slightly larger structure on the land which has been on site for over a year. We consider that the area of land is large enough that the introduction of one more hen-house will not have any significant visual impact on the site or the wider landscape. The application is recommended for approval.

Proposal

2. The application seeks permission for the siting of a mono-pitched timber hen-house on the land for a commercial egg producing business. The hen house would be 5m long by 2.6m wide and 1.7m to the highest part of the roof. The hen-house would be moved at regular intervals to different locations within the application site area, to mitigate the impact of ground poaching by the hens.

Site and Surroundings

3. The application site is a two hectare area of rough grazing land to the north-east of Rocklands, a bungalow on the east side of The Bent which in the same ownership as the land. Rocklands is one of a number of dwellings built on the hillside to the northern edge of the village of Curbar with the land to the rear rising toward Curbar Edge.
4. The land is accessed via the private driveway to the side of the bungalow and at its closest point the land is approximately 100m north of the Curbar Conservation Area boundary. Curbar Edge is open access land under the Countryside and Rights of Way Act 2000 (CROW Act). There is already a mobile timber hen-house on the land holding around 150 hens which was approved in 2018. This is painted grey with a matt black pitched roof; that hen-house is also moved around the land on a regular basis.
5. The nearest neighbouring properties to the application site are the houses on the north side of The Green some 100m away. There is a public right of way (PROW) which is approximately 125m south of the land which runs from The Green eastwards up to Curbar Edge, and two others which run south to north below and parallel with Curbar Edge, the closest of which is 50m north of the site.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

1. **The development shall be in complete accordance with the submitted plans and specifications received by the Authority 22 February 2019.**

2. **Prior to the building being brought into use , the external timberwork shall be given an initial stain in a ‘warm grey colour’ and thereafter, other than the use of a clear timber preservative, shall be left to weather naturally.**
3. **There shall be no external lighting of the site.**
4. **The use of the building shall be ancillary to Rocklands.**
5. **When the building hereby permitted is no longer required for the purposes of agriculture it shall be dismantled, removed from the site and the site shall be restored to its original condition.**

Key Issues

6. Landscape impact. Whether the proposed development would detract from the character, appearance or amenity of the site, or its wider landscape setting.
7. Whether the development would adversely affect the amenities of the property, neighbouring properties, or the wider area.

History

8. March 2018 – NP/DDD/1217/1282 – Erection of mobile timber hen house – Granted subject to conditions.
9. October 2018 – Following an appeal against the conditions on planning approval NP/DDD/1217/1282 the Inspector removed Condition 4 – No egg sales from the premises, 5 – Agreement over fencing details, 6 – Agreement over locations of hen house within site and 8 – Limitation of hens to 150. Appeal decision APP/M9464/W/18/3200699.
10. October 2018 – NP/DIS/1018/1003 – Approval of details reserved by the conditions remaining following appeal.
11. October 2018 - NP/DDD/1018/0976 - Lawful Development Certificate for a proposed use – Siting of mobile poultry shelter – Refused - 15/02/2019.

Consultations

12. Derbyshire County Council (Highway Authority): The precedent has been set by the Planning Inspectorate with regards to the provision of a hen house at this site. For this reason, the Highway Authority does not consider it reasonable to recommend the same conditions with regards to the sale of eggs at the site or to limit the number of hens, as recommended during the last application. However, the hen-house should remain for the applicants own use only or ancillary to the occupants of Rocklands Farm.
13. Derbyshire Dales District Council (Environmental Health Officer): No response to date.
14. Curbar Parish Council: Object for the following reasons:
 - Detrimental impact on the visual amenities of the area/landscape
 - Precursor for future operations which would increase the impact
 - Increase in vehicle movements
15. PDNPA Landscape Architect: No response to date.

16. PDNPA Archaeologist: There are no archaeological concerns with respect to this application.

Representations

17. The Authority has received eight representations regarding the application.

18. Three letters of support have been received, which state:

- The DEFRA approved structure will add order.
- The proposal is a productive use of this land.
- Supports local business.
- The size is very modest and will not spoil the panoramic views from and of Curbar.
- This is a small DEFRA controlled local rural initiative which has to fully respect the strictest and widest range of environment standards.

19. Five objections have been received, which raise the following concerns:

- Landscape/visual impact.
- Impact on the character of the village location.
- Commercial use of the site within a residential area
- Potential future intensification of business
- Generation of extra traffic movements
- Noise
- Smells
- Waste and pollution
- Vermin being attracted to the site
- Health risks
- Practicality of frequent movements of the structure

20. The issues raised above are considered in the assessment of the application with the exception of the potential future intensification of the business, which is not a material planning consideration.

Main Policies

21. Relevant Core Strategy policies: GSP1, 2, & 3, DS1, L1 & E2

22. Relevant Local Plan policies: LC4, LC13 & LE4

23. National Planning Policy Framework

24. The National Planning Policy Framework (NPPF), which was revised February 2019, is considered to be a material consideration which carries particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

25. Paragraph 172 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*
26. Paragraph 86 of the NPPF states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas.

Core Strategy Policies

27. Core Strategy policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
28. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
29. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
30. Policy DS1 sets out what types of development are acceptable within the National Park. DS1 (C) states that development for agriculture in the countryside outside the Natural Zone will be acceptable in principle.
31. Policy E2 deals with proposals for business development in the countryside; E2 (D) states that proposals to accommodate growth or intensification of existing businesses need to be considered in terms of their impact on the appearance and character of the landscape.

Saved Local Plan policies

32. Policy LC4 requires a high standard of design that is sensitive to the locally distinctive character of the landscape setting, with particular attention paid to the proposals impact on the character and setting of buildings, the character and appearance of the National Park siting, landscaping and materials. It also states that consideration will be paid to amenity, privacy and security of the proposed development and neighbouring properties.
33. Policy LC13 deals specifically with agricultural development, which should respect the landscape and avoid harm to the areas characteristics.
34. Policy LE4 states that the expansion of existing (business) development must be of a modest scale in relation to the existing activity/use and must not harm the amenity and valued characteristics of the area and the appearance of the site.

Development Management policies

35. The Authority has reached an advanced stage in the production of Development Management Policies. The process has now moved beyond publication and examination, taking into account earlier representations and the Inspector's interim views on soundness. Owing to the advanced stage of the document, the Authority considers that a revised version of the Publication Document (incorporating all proposed modifications) addresses the remaining soundness issues and as such may be afforded significant weight as a material consideration. When adopted these policies will replace the existing saved Local Plan policies (adopted 2001) in their entirety.
36. Policy DME1 states that new agricultural buildings will be permitted provided that the scale proposed is functionally required for the purpose intended. It goes on to state that new agricultural buildings shall (i) be located close to the farmstead or main group of buildings and relate well to existing buildings, trees, walls and other landscape features (ii) not be in isolated locations requiring obtrusive access tracks or services (iii) respect the design, scale, mass and colouring of existing buildings (iv) avoid adverse effects on the areas valued characteristics, and (v) avoid harm to the setting, fabric and integrity of the Natural Zone.

Assessment

37. Design, materials and use of the building

38. The building is modest in scale with a rectangular footprint measuring 5m by 2.6m under a mono-pitched roof 1.7m high. The design has nest boxes protruding from one side, and roosting space inside. The building is clearly designed for agricultural use in connection with keeping hens on the agricultural land and therefore the principle of an agricultural building is acceptable under policy LC13.
39. The building would be constructed of tongue and groove timber with a warm grey finish, as the existing hen house. The roof would be profile sheet painted a matt black. The building would be built onto steel skids and not being fixed to the ground would not require any ground preparation for its siting. The skids have towing loops so that the building, which is smaller than the existing hen house on the land, can be towed to different locations around the holding.
40. The modest size of the structure, its low profile, its clear agricultural purpose and siting on agricultural land, means that the design and use of the building would be compliant with policies L1, LC4 and LC13.

41. Landscape impact

42. The landscape character assessment states that the application site is within an area of valley farmland with villages. The land is to the rear of the building line on the northern edge of the village of Curbar. The nearest houses are approximately 100m away from the boundaries of the application land. The application land is not readily visible from within the village due to the screening provided by houses to the south and west. The proposed building would not therefore impact on the character of the village.
43. The land to the north of the site rises to Curbar Edge, which is designated as Natural Zone and open CROW access land. The majority of the application land is improved grassland apart from a small rectangular paddock of rough moorland fringe land which has been included in this application but was specifically excluded from the 2018 hen-house approval with the applicant's agreement. This small paddock of rough moorland fringe/grazing is

part of a wider area of land on the northern side of the application site which is also in the applicants ownership. There are a number of trees in this area above the application site which provide some screening from Curbar Edge.

44. At its eastern end the application site tapers to where it adjoins the rising land which forms part of the designated South Pennine Moors Special Area of Conservation and Special Protection Area, and the Eastern Peak District Moors Site of Special Scientific Interest for a short distance of approximately 22m. The application land therefore is a buffer zone between the built environment of the village and the moorland to the north.
45. The applicant already has permission for the siting of one mobile hen-house building which although slightly larger than the one proposed in this application is nevertheless modest in scale and in the context of the application land area. Due to its modest scale, the visual impact of a second hen-house would be minimal from the nearby PROW's and open access land on Curbar Edge. Taken together the cumulative impact of the proposal with the existing building on the valued open character and appearance of the landscape would on balance be acceptable. This is provided that the same recessive colour of the timberwork and roof is conditioned to be used to mitigate the landscape impact.
46. Subject to the suggested conditions, we consider that the development would not detract from the character and appearance of its landscape setting, and would therefore be in accordance with landscape conservation policies in the Development Plan including GSP1, GSP2, GSP3 and L1 of the Core Strategy and LC4, LC13 of the Local Plan.
47. Amenity
48. Due to the intervening distance between the application site and the nearest neighbouring properties, being approximately 100m, there are no concerns that the development would result in any harm to the outlook, privacy or daylight of the nearest neighbouring properties.
49. Other amenity concerns regarding noise, smells, waste and vermin have been raised in representations. The applicant has an established small scale free-range egg business and is a registered egg producer. The business is regulated and inspected to ensure the conditions conform to the requirements set out by Defra in their guidelines, 'Laying Hens: Code of recommendations for the welfare of livestock'. There is already one hen house on the site, which houses around 150 hens. The additional building would enable the flock to increase to 270, which would not be so substantial an increase as to have a significant cumulative impact.
50. The hens would be kept around the vicinity of the hen house by electrified fencing to deter predators and also protect the wider land from becoming over-grazed. The containment of the hens ensures no encroachment by grazing hens outside the site which would affect the gardens of the nearest neighbouring properties. The proposed electric fences are permitted development and do not require planning permission.
51. The intervening distance between the nearest residential dwellings and the land is approximately 100m. In this rural setting any hen noise would not be so excessive over such a distance as to have a detrimental noise impact on the amenities of those neighbours.
52. The waste and smell from a small scale flock will be minimal, and again, the intervening distance means it is unlikely to have any detrimental effect. The hens are out on the land during the day, therefore the waste is scattered naturally, and any waste from under the roosting perches in the hen house would be used as fertiliser on the land. Moving the house around the site as intended will also minimise these impacts.
53. Under the Defra regulations, vermin control is very strictly regulated. Hen food has to be

kept in animal proof bins, feeders will be emptied and closed at night and any spilled food removed on a daily basis. The electrified fencing will deter incursion by vermin and the applicant states will be visually inspected daily, and inspected by a dog on a weekly basis. It is intended to use traps located within the hen house and fenced enclosure to control vermin. If any rodents are caught, they will be disposed of by a licensed agricultural pest contractor, who will also take appropriate remedial action.

54. We consider that the proposed scale of the poultry business on this site, managed in accordance with Defra regulations would not cause any significant harm to the amenities of any nearby properties.

55. We therefore consider that the proposal will not have a detrimental effect on the character and appearance of the site, or its setting, in line with the requirements of GSP1 and GSP3, LC4 and LH4; nor would it result in any unacceptable impact on the amenities of the locality or the amenity of the nearest neighbouring properties.

56. Highway Considerations

57. As a registered egg producer the eggs produced must be graded and packed at a licensed packing station and the eggs must be delivered from the packing station. As the applicant works at the packing station located off-site he will be taking the eggs with him on a journey which he would be making to work anyway. Consequently the increased egg production on site would not generate any additional traffic. The increase in stock level would not incur a significant increase in food, bedding and cleaning products required, and these will still fit in the applicant's family car. There are already occasional visits by tradespeople, poultry inspectors and veterinarians, and the flock size increase should not cause the number of these visits to increase to any significant extent.

58. The Highway Authority have assessed the information provided and do not consider the proposals as submitted will lead to a significant increase in vehicle trips associated with the site. They recommend a condition be imposed if the application is approved, restricting the use of the hen house to being ancillary to the dwelling at Rocklands.

Conclusion

59. The application meets the requirements of policies in the Development Plan and the National Planning Policy Framework because the building is of an appropriate scale and design for its agricultural purpose and will not harm the valued characteristics of the National Park. The development would not detract from the character, appearance or amenity of the site, its setting or neighbouring properties. Accordingly, the application is recommended for conditional approval.

Human Rights

60. Any human rights issues have been considered and addressed in the preparation of this report.

61. List of Background Papers (not previously published)

62. Nil

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